

ITW

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
89190.091203/DP-301015C2

In Re Application Of: Nick J. Hendriksma, et al.

Serial No.
10/731,391

Filing Date
December 9, 2003

Examiner
K. Riddle

Group Art Unit
3748

Title: **DEACTIVATION ROLLER HYDRAULIC VALVE LIFTER**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Response to Office Action (2 pages + 1 duplicate page);
Terminal Disclaimer (1 page);
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in the above identified application.

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Signature

Dated: May 28, 2004

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Margaret I. Hults

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Applicant(s): Nick J. Hendriksma, et al

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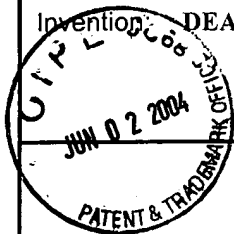
Examiner

K. Riddle

Group Art Unit

3748

Invention: DEACTIVATION ROLLER HYDRAULIC VALVE LIFTER

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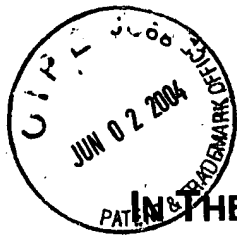
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant(s): Nick J. Hendriksma et al.) Examiner: K. Riddle
Serial No.: 10/731,391) Art Unit: 3748
Filed: December 9, 2003)
For: DEACTIVATION ROLLER HYDRAULIC)
VALVE LIFTER)

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated May 4, 2004, please consider the following remarks. No claims have been amended, added or cancelled. Therefore, claims 1-5 remain pending in the application.

Claim 1 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 22 of commonly owned U.S. Patent No. 6,668,776 to Hendriksma et al. In order to overcome the double patenting rejection of claim 1, a terminal disclaimer under 37 C.F.R. § 1.321(c) is being submitted herewith. As such, Applicants request that the rejection of claim 1 be withdrawn.

Claims 2 and 3 have been objected to as being dependant upon a rejected base claim. Since the rejection of claim 1 has been overcome with the

filing of the terminal disclaimer referred to above, Applicants request that the objection to claims 2 and 3 be withdrawn.

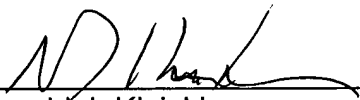
Claims 4 and 5 have been allowed.

In light of the foregoing, Applicants submit that claims 1-5 are in condition for allowance and such allowance is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, the undersigned may be contacted at the telephone number listed below to arrange for an issue resolving conference.

The Commissioner is hereby authorized to charge the \$110.00 fee pursuant to 37 C.F.R. § 1.20(d), and any other fee that may have been overlooked, to Deposit Account No. 10-0223.

Respectfully submitted,

Dated: 5-28-04



Ronald J. Kisicki
Reg. No. 38,205

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